DEPARTMENT OF STATE

Washington, D.C. 20520

November 24, 1978

MEMORANDUM

TO: L - Mr. Kozak

FROM: ARA - Robert Bruce

SUBJECT: Legal Authority for Providing Equipment to Guyanese Police

Per our conversation last evening, I attach:

1. Copies of a memorandum from Brig. General James H. Johnson from Col. Harold L. Miller, Legal Adviser and Legislative Assistant to the Chairman, JCS, which questions the legal authority for providing equipment to the Guyanese Police. (Per Section 660 of the FAA.)

2. A copy of the equipment which the military confirms has been delivered to Guyana.

3. A copy of Georgetown 3882 which requests equipment, some of which has been provided by the Department (ARA/EX, Bill Calderhead knows what equipment has been sent).

As I explained, John Bushnell believes we are using the Industrial Fund rather than foreign assistance.

Attachments:

As stated

cc:
ARA - Mr. Bushnell
Milrep
Clipboard

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY DOD DATE
RDS or EDS EXTR. DATE
TS LEVEL
ENDORSE
ILL
DELETE
FL or DEL

THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

COLONEL RAHSEY

There is growing concern within the Department of Defense that we may be providing assistance that is in violation of the Foreign Assistance Act.

Request that you share the attached memorandum with proper State officials to insure that a thorough review of this issue is accomplished. It would appear that State as the requesting and funding agency bears the principal responsibility for insuring that provided assistance is legal and proper.

JAMES H. JOHNSON
Brigadier General, USA
Deputy Director for Operations
(Current Operations)

WASHINGTON, D C 20301

24 November 1978

MEMORANDUM FOR COLONEL WILLIAM NISSILDINE, JOINT OPERATIONS DIVISION, J-3

SUBJECT: Request of Commissioner of National Police of Guyana for Equipment for Jonestown Operation

1. This memorandum concerns a request by Police Commissioner Lloyd Barker of Guyana for substantial quantities of equipment allegedly needed for the Jonestown emergency operation.

2. Section 660 of the Foreign Assistance Act of 1974 (22 US Code 2420) prohibits the use of Foreign Assistance funds to provide training, advice, or financial support for police, prisons, or other law enforcement forces of a foreign country. According to the legislative history of that particular section, the prohibition was aimed at all forms of police training and financial support both in and outside the United States (Conference Report No. 93-1610). Section 660 expanded the prohibitions of Section 112 of the Foreign Assistance Act of 1961. A review of the history of that Act indicates that "all assistance programs related to police, including the furnishing of equipment . . ." are prohibited (see SecDef message of Feb 1974 attached). By its terms, however, Section 660 does not apply with respect to assistance rendered under the authority of the DEA or the FBI which relates to crimes of the nature which are unlawful under the laws of the United States.

3. Accordingly, it would appear that providing the requested supplies would violate Section 660 of the Foreign Assistance Act of 1974. However, it would also appear that if the request were directed to the FBI, the exception in the act with respect to that agency might give them authority to provide the supplies to the Police Commissioner in Guyana.

HAROLD L. NILLER
Colonel, JAGC, USA
Legal Adviser and Legislative
Assistant to the Chairman, JCS

U.S. EQUIPMENT FURNISHED TO GOG

16	Portable Motorola Radios
3	FM Radio Base Sets
2	Single Side Band Radios
96	Sleeping Bags
200	Blankets
3153	"C" Rations
5	40-HP Outboard Motors
5	Power Generators
1	1/4 T Jeep
5	Poloroid Cameras
5	Fingerprint Kits
200	Flashlights
200	Ponchos
200	Canteens
200	Mess Kits

Note: All the above equipment destined for Guyanese National Police.

SECTION 22 23 23

DIVISION 22 - PLUMBING

SECTION 22 23 23 - GAS AND VACUUM PIPING SYSTEMS

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Natural gas piping.
2. Medical gas piping.
3. Medical vacuum piping.
4. Valves.
5. Specialties.

B. Related Sections:

1. Section 22 23 23 - Medical Gas Equipment.

1.2 REFERENCES

A. ASME B31.9 - Building Services Piping.

B. NFPA 99 - Health Care Facilities Code.

C. NFPA 99B - Hypobaric Facilities.

1.3 SUBMITTALS

A. Product Data: Submit manufacturer's data for each product specified.

B. Shop Drawings: Submit piping layout drawings showing pipe sizes, valve locations, and equipment connections.

C. Certificates: Submit certificates of compliance with applicable codes.

1.4 QUALITY ASSURANCE

A. Installer Qualifications: Installers shall be certified in accordance with NFPA 99 requirements.

B. Welding Qualifications: Welders shall be qualified in accordance with ASME Section IX.

1.5 DELIVERY, STORAGE AND HANDLING

A. Deliver pipe and fittings in manufacturer's packaging.

B. Store materials in clean, dry location protected from weather.

1.6 WARRANTY

A. Provide one year warranty on materials and workmanship.

PART 2 - PRODUCTS

2.1 NATURAL GAS PIPING

A. Pipe: Schedule 40 black steel, ASTM A53.

B. Fittings: Malleable iron, threaded.

C. Joints: Threaded or welded.

2.2 MEDICAL GAS PIPING

A. Pipe: Type L copper tube, ASTM B88, cleaned for medical gas service.

B. Fittings: Wrought copper, solder joint.

C. Joints: Silver brazing alloy, 15% minimum silver content.

2.3 MEDICAL VACUUM PIPING

A. Pipe: Type L copper tube, ASTM B88, cleaned for medical gas service.

B. Fittings: Wrought copper, solder joint.

C. Joints: Silver brazing alloy, 15% minimum silver content.

2.4 VALVES

A. Natural Gas: Ball valves, full port, bronze body.

B. Medical Gas: Ball valves, full port, bronze body, cleaned for oxygen service.

C. Medical Vacuum: Ball valves, full port, bronze body.

2.5 SPECIALTIES

A. Pressure Regulators: Natural gas service, adjustable.

B. Gauges: Pressure gauges, 4 inch dial, range appropriate for service.

C. Alarm Panels: Medical gas alarm panels per NFPA 99.

PART 3 - EXECUTION

3.1 INSTALLATION

A. Install piping in accordance with ASME B31.9 and NFPA 99.

B. Support piping at intervals per code requirements.

C. Provide expansion loops or offsets for thermal movement.

D. Install valves in accessible locations.

3.2 TESTING

A. Test natural gas piping at 1.5 times working pressure for 24 hours.

B. Test medical gas piping at 1.5 times working pressure for 24 hours.

C. Test medical vacuum piping at 20 inches Hg for 24 hours.

3.3 IDENTIFICATION

A. Label piping with service name and flow direction.

B. Color code per NFPA 99 requirements.

END OF SECTION 22 23 23

POPE WILLIAM F
FE GEORGETOWN 3882.
UNCLASSIFIED
CONTACT WITH FOR INDIVIDUAL PERSONNEL ON THE GROUND
TWENTY FIVE (25) COLEMAN LAMPS
TWENTY FIVE (25) TILLEY LAMPS
FIFTY (50 LANTERNS
TWELVE (12) COLEMAN COOLERS
TWELVE (12) WATER PITCHERS
COOKING EQUIPMENT FOR MESSING
TWELVE (12) LARGE ALUMINUM KITCHEN POTS
TWELVE (12) ALUMINUM FOOD CONTAINERS WITH COVERS
TWENTY FIVE (25) FOOD CARRIERS
THIRTY (30) PLATTERS
TWELVE (12) LONG SPOONS AND LADDLES
250 KNIVES, SPOONS AND FORKS
SIXTEEN (16) THOMAS FLASKS
12? FIRST AID KITS
12? SNAKE BITE KITS
PUPPY
UNCLASSIFIED